

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

APPLIED FILTER TECHNOLOGY, INC., a
Washington Corporation,

Plaintiff,

vs.

JEFF WETZEL, individually, and the marital
community of JEFF WETZEL and JANE
DOE WETZEL; ENVIRONMENTAL
SYSTEMS AND COMPOSITES, INC., a
Washington Corporation,

Defendants.

Case No. C09-1040JLR

**DECLARATION OF SETH H. ROW OF
COMPLIANCE WITH COURT'S ORDER
RE SERVICE**

I, Seth H. Row, declare that:

1. I am one of the attorneys representing plaintiff in this case. I make this
declaration based upon my personal knowledge of the matters set forth herein.

2. On July 24, 2009 at approximately 3:15pm the Court issued an Order directing
that plaintiff serve or otherwise deliver all papers that had been filed in this matter (including a
copy of the Order) on defendants in this matter, by 5:00 p.m.

3. At approximately 4:09 p.m. I caused to be sent to defendant Environmental
Systems and Composites, Inc. (via facsimile) the following documents: the Complaint; Motion

ROW DEC. RE COMPLIANCE -1-
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Parsons Farnell & Grein, LLP
Attorneys at Law
1030 SW Morrison Street, Portland, OR 97205
Telephone: (503) 222-1812 / Fax: (503) 274-7979

1 for Preliminary Injunction (including proposed order); Application for Order to Show Cause re
2 Preliminary Injunction and Temporary Restraining Order and Preservation Order (including
3 proposed order); Declaration of Seth H. Row in Support of Injunction Motions; Declaration of
4 Paul Tower In Support of Injunction Motions; and the Court's Order of July 24, 2009.

5 4. Because this Court's Order directed that the papers be sent to "Defendants," and
6 because I do not have confirmation that James J. Sullivan represents ESC as well as Mr. Wetzel
7 in this matter, I sent the required materials directly to ESC at the fax number listed on their
8 website, with notification to Mr. Sullivan and ESC about why I was doing so.

9 5. At approximately 4:10 p.m. my assistant attempted to send the same documents
10 listed in Paragraph 3 to Mr. Wetzel through his attorney, Mr. Sullivan via the two email
11 addresses I have been able to locate for Mr. Sullivan's law office. One address
12 (sullivanlawoffice@verizon.net) was used in mid-June to communicate to my client. The other
13 address (jjjs@sullivanlaw.com) is listed on his letterhead. Both of these email transmissions
14 failed. Following that attempt, my assistant immediately attempted to send the materials to Mr.
15 Sullivan via the facsimile number listed on Mr. Sullivan's letterhead. This facsimile
16 transmission failed, as did subsequent attempts to fax the materials in smaller batches. At that
17 point, my assistant sent the materials one pdf file at a time to both of the email addresses listed
18 above. These email transmissions appeared to be successful as there were no "bounce back"
19 messages.

20 6. It was not my intention that the Application to Show Cause be heard *ex parte* and

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1 I apologize to the Court for that language having remained in the header of the Application.

2 **I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS**
3 **TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

4 DATED this 27th day of July, 2009.

5 /s/ Seth H. Row

6 Seth H. Row, WSB #32905
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